



R. Lawrence
#6
3.28.02

PATENT
Customer No. 22,852
Attorney Docket No. 02481.1726-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Petra LOOS et al.) Group Art Unit: 1743 *2*
)
Serial No.: 09/763,733) Examiner: S. Siefke
)
Filed: February 27, 2001)
)
For: MINI-BASKET FOR ANALYZING)
ACTIVE SUBSTANCE RELEASE)
FROM A MEDICAMENT FORM)

Assistant Commissioner for Patents
Washington, DC 20231

RECEIVED
MAR 26 2002
TC 1700

Sir:

REQUEST FOR RECONSIDERATION

In reply to the Office Action dated January 2, 2002, please consider the following remarks:

Applicants affirm the election of claims 8-24, with traverse, made on December 5, 2001 in response to the restriction requirement.

On February 27, 2001, Applicants filed a Request for Approval of Drawing Change to add new Fig. 2 to the application. The Examiner did not indicate whether the Request had been considered or approved. Applicants request that the Examiner consider and approve the Request for Approval of Drawing Change. Applicants further request that the submission of revised drawings be deferred until after a notice of allowance has issued.

In the outstanding Office Action of January 2, 2002, the Examiner rejected claims 8-24 under 35 U.S.C. § 102(b) as being anticipated by Mehta et al., U.S. Patent No. 4,856,909.

The Examiner asserts that Mehta et al. discloses an apparatus comprising "a cylindrical mesh basket with a handle and a lid made of mesh; a lid with three fixing clips; a metal band around the open end of the basket; [the] basket to be used with a paddle agitator, continuous flow cell, and rotating basket apparatus."

Applicants disagree with the Examiner's characterization of Mehta et al. Specifically, Mehta et al. does not disclose or suggest use of a handle. Independent claim 8 of the present application recites a combination including a mesh basket configured to receive a material to be tested, and a lid including a handle on one side of the lid. As shown in Figs. 2 and 4 of Mehta et al., a handle is not provided. A chuck 40 is used to close the container and includes three spring clips extending around the lid to engage with slots 32 of end ring 26. Chuck 40 is formed around and connected to horizontal drive shaft 16 via bearing 62 and bevel gear 52. Horizontal drive shaft 16 is in turn connected to inner drive shaft 14 and outer drive shaft 12 via bevel gear 50 and a couple of bearings. Mehta et al. is completely silent as to the use of a handle on the lid of its apparatus, and the figures do not disclose or suggest the use of a handle. Further, there is no motivation for one of ordinary skill in the art to provide Mehta et al. with a handle on its lid. A handle would interfere with the operation of the horizontal drive shaft 16, thus rendering Mehta et al.'s apparatus inoperable. Thus, Mehta et al. cannot anticipate or render obvious the invention recited in claim 8. Claims 9-24

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

depend from independent claim 8 and define over Mehta et al. for at least the reasons discussed above. Reconsideration and allowance of the pending claims is requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 21, 2002

By: Elizabeth M. Burke
Elizabeth M. Burke
Reg. No. 38,758

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com